

### **REMARKS**

In response to the Final Office Action mailed August 18, 2009, Applicants respectfully request reconsideration of the claims in light of the arguments and amendments submitted herein. Claims 1-36 are pending in the application. Claims 10-36 are withdrawn from consideration. By way of this response, claim 1 has been amended. Support for the amendment can be found throughout the specification and claims as filed and do not constitute new matter.

#### **I. Rejection under 35 U.S.C. § 102**

The undersigned thanks the Examiner for taking the time to discuss the pending application. In the Office Action, the Examiner relied on U.S. Patent No. 6,174,677 ("Vo-Dinh") as allegedly anticipating the claims of the pending application.

As discussed, there are significant differences between the subject matter disclosed in Vo-Dinh and the invention disclosed in the pending application. For example, the RSPs in the present invention are optimized to directly bind to the target and to generate a high Raman signal without the use of a label. That is, the Raman signal detected is generated directly from the RSP. In contrast, Vo-Dinh disclosed the use of a highly conjugated label that chemically binds to the target to allow the target to be detected. In other words, the Raman signal is generated from the label, not from the compound itself. To clarify this significant distinction between the reference cited and the present invention, Applicants have amended the claims to specifically recite that the Raman Signature Probe is "directly bound" to the target without the use of a linker molecule.

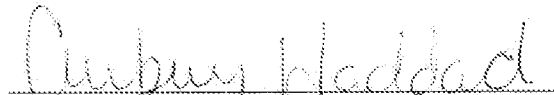
For at least the reasons set forth herein, Applicants respectfully assert that the pending claims are not anticipated by Vo-Dinh and request withdrawal of the rejection and allowance of the claims.

**CONCLUSION**

Applicants believe that, for the reasons explained above, the application is in condition for allowance and such action is respectfully requested. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is encouraged to telephone the undersigned at (858) 350-2319.

Respectfully submitted,

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